

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1566.00
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	May 9, 2000
DATE OF REPORT:	June 8, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	August 14, 2000

COMPLAINT ISSUES:

Whether the LaPorte Community School Corporation and the South LaPorte County Special Education Cooperative violated:

511 IAC 7-10-3(d) and 511 IAC 7-12-1(g)(1) with regard to the school's failure to conduct the student's educational evaluation and case conference meeting within 40 instructional days of parental consent;

511 IAC 7-12-1(e) with regard to the school's failure to include the parent in the case conference committee meeting; and

34 CFR 300.520(a)(2) with regard to the school's alleged placement of a student with a disability in an interim alternative educational setting for more than 45 days.

FINDINGS OF FACT:

1. The Student is thirteen years old and attends a local middle school (the "school") and, for a period of 54 instructional days, an alternative educational program at a local elementary school. He is eligible for special education and related services as a student with a learning disability.
2. A March 3, 2000 case conference committee meeting ("CCC") recommended a re-evaluation to assess whether the Student needed further special educational services for an emotional handicap. The parent attended the CCC and provided a signature of agreement.
3. Based on the local school calendar, the evaluation had to be conducted and a CCC convened by May 4, 2000. Documentation shows that a psychological evaluation was conducted on April 18, 2000 and the follow-up CCC was convened on May 3, 2000 and reconvened on May 10, 2000.
4. The March 3, 2000 CCC recommended, and the parent approved, placing the Student in an alternative educational program designed for those students who have been disruptive to the degree that they should be placed in an alternative setting. The Student began the alternative educational program on March 7, 2000 and remained there until the end of the school-year on June 1, 2000. Based on the local school calendar, that spans a time period of 54 instructional days.
5. The Student's IEP contains a behavioral intervention plan. Part of the plan specifies, after the use of other behavioral interventions, consideration of placing the Student in Project ED (extended day). Project ED is an alternative to out-of-school suspension for middle school students. Although the Student was placed in an alternative educational program because of acting out disruptive

behaviors, he was not placed in Project ED. The Student was placed, with parent consent, in an alternative educational program to receive language arts, math, and reading instruction in a small group setting with a certified teacher. This is not a form of suspension and not a placement in an interim alternative educational setting subject to a 45 day limit.

6. The school has not convened a CCC in the parent's absence.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Student had an educational re-evaluation conducted and a CCC convened within 40 instructional days of parental consent. No violation of 511 IAC 7-10-3(d) and 511 IAC 7-12-1(g)(1) is found.
2. Findings of Fact #4 and #5 reflect that the Student's placement was changed, with parent consent, to an alternative educational program. This is not the same as an interim alternative educational setting permitted for weapon and drug offenses. As this student's placement was not in an interim alternative educational setting, 34 CFR 300.520(a)(2) is not applicable, and no violation is found.
3. Finding of Fact #6 indicates that the school has not held a CCC in the parent's absence. Therefore, no violation of 511 IAC 7-12-1(e) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: June 8, 2000